

MPS Advisory Committee
Meeting
NSF's Policies On
Sexual
Harassment



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NSF and Title IX

- NSF's Title IX regulation: 45 CFR §618
 - Prohibits discrimination on the basis of sex in educational programs and activities receiving Federal financial assistance such as NSF awards.
 - ODI limits its operational jurisdiction to NSF-funded programs and activities at grantee institutions.
 - Sexual and gender-based harassment are forms of discrimination prohibited by Title IX.



Nondiscrimination and Civil Rights Compliance

- The role of NSF's **Office of Diversity and Inclusion** is to ensure the agency is in compliance with the laws and regulations governing federal-sector equal employment opportunity and civil rights.
- All recipients of federal/NSF funds are required to comply with laws and regulations that prohibit discrimination in federally assisted programs and activities. (Chapter XI, A. PAPPG)

Pre-Award Compliance	Done via submission of an electronic certification at the time of proposal submission.
Post-Award Compliance	The goal of post-award compliance reviews is to ensure grantee compliance with NSF civil rights regulations, provide meaningful, technical assistance to all grantees that help strengthen their current compliance efforts as well as identify and report on best practices.
Complaints of Discrimination	NSF also is responsible for processing complaints of discrimination from institutions that receive NSF funding.



NSF Polices On Harassment

- Recent attention to sexual misconduct has led NSF to implement several new initiatives. NSF has actively addressed sexual misconduct in NSF Awardee programs funded by academic and research institutions
- It is a violation of NSF's Title IX regulations when a grantee institution fails to address known incidents of sexual misconduct. If a grantee refuses to voluntarily correct Title IX violations, NSF funding can ultimately be withheld from the grantee.
- Important Notice #144 (Harassment) "NSF does not tolerate sexual harassment, or any kind of harassment, within the agency, at grantee organizations, field sites, or anywhere NSF-funded science and education are conducted."
- ODI Bulletin No. 18-01 (Sexual Harassment Reporting) "As an NSF employee you must inform ODI immediately if you become aware of a harassment issue in an NSF-funded program, project, or institution, including a complaint of sexual harassment, whether the issue occurred on campus, in the field, at a conference, at a facility, or elsewhere."



NSF Policies On Harassment

- New Term and Condition (February 8, 2018) Expected to be finalized in Fall 2018
 - Grantee will be required to report findings of sexual or any other kind of unlawful harassment involving a PI, co/PI or any other grant personnel.
 - Grantees will also be required to report the placement of the PI/co-PI on administrative leave/action relating to a harassment finding or investigation.
 - NSF may take action as necessary to protect the safety of all grant personnel, to include suspending or terminating an award or requiring the grantee to replace or remove personnel.
- 2019 PAPPG (draft) contains the above plus conference funding proposals will be required to have a policy/conduct code addressing sexual/other forms of harassment and that includes means of reporting policy/code violations.
- ODI has updated its online Web resources that provide information on sexual harassment and grantee/awardee civil rights compliance



Title IX Compliance Reviews

- NSF conducts at least two on-site Title IX reviews of NSF funded programs at colleges and universities per fiscal year
- Reviewed programs include academic departments that receive NSF grants
- Site selection criteria include Total dollar amount of NSF grants to the university, Number of PI receiving grants, type of program/department, known Title IX compliance issues
- Coordinate site selection with other agencies to avoid duplicative efforts



Complaints of Discrimination:

- NSF is also responsible for processing complaints of discrimination, harassment and retaliation under Title IX and other laws involving NSF awardees.
- Complainants may choose between the awardee Title IX complaint process or file with NSF
- NSF discrimination complaints involving awardees are filed with ODI and investigated by ODI
- NSF limits complaint investigations to those programs, PIs, students that receive NSF funding. The US Department of Education's Office for Civil Rights investigates all other grantee programs.
- Personally Identifiable Information of individuals named in complaints is protected by the Privacy Act and Freedom of Information Act

